

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
JASPER DIVISION

TOMMY BASS, )  
                  )  
Plaintiff      )  
                  )  
vs.             )      Case No. 6:11-cv-01050-LSC-HGD  
                  )  
WARDEN D. J. WISE )  
and DOCTOR WHITE, )  
                  )  
Defendants     )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on May 1, 2013, recommending defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. (Doc. 48). Plaintiff filed objections on May 9, 2013, (Doc. 49), wherein he repeated the claims made in his complaint. Plaintiff continues to argue defendants violated his constitutional rights by delaying surgery on his broken hip for 48 hours. Plaintiff has submitted nothing more than his own conclusory statement that defendants could have transported him to the hospital and surgery could have been performed more quickly. (Doc. 49)

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by plaintiff, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

Done this 31st day of May 2013.



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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
[160704]